

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**IN RE: LIQUID ALUMINUM SULFATE  
ANTITRUST LITIGATION**

*This Document Relates to: ALL ACTIONS*

16-md-2687 (JLL) (JAD)  
(MDL 2687)

**ORDER APPOINTING PLAINTIFFS'  
LEADERSHIP POSITIONS**

On March 9, 2016, the Court entered an Order announcing its intent to appoint a Plaintiffs' Steering Committee ("PSC") to manage Plaintiffs' pretrial activities in this MDL. (ECF No. 72.) Having considered all of the applications submitted, together with the qualifications and experience of each applicant and the Court's own experience with those applicants who have appeared in this Court in an MDL context or other complex cases, the Court hereby ORDERS as follows:

**1. Plaintiffs' Steering Committee** – the following counsel are appointed as members of the

PSC:

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The PSC appointments are personal to the individual attorney appointed. The Court may add or replace members upon request from the PSC, or on its own motion, if and as circumstances warrant.

2. **Interim Lead Counsel and Chair of the PSC** – the Court hereby designates **James E. Cecchi** of Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C. to serve as Interim Lead Counsel and Chair of the PSC. Mr. Cecchi shall be generally responsible for coordinating Plaintiffs' pretrial activities and shall:

- a. Determine (after such consultation with other members of the PSC and/or other co-counsel as may be appropriate) and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and Defendants the position of Plaintiffs on all matters arising during pretrial proceedings;
- b. Coordinate the initiation and conduct of discovery on behalf of Plaintiffs consistent with the requirements of Fed. R. Civ. P. 26, including the preparation of master interrogatories and master requests for production of documents and coordinate the examination of witnesses in depositions;
- c. Coordinate discovery efforts with co-counsel to ensure that discovery is conducted in an efficient, orderly, and non-duplicative manner;
- d. Conduct settlement negotiations on behalf of their group, but not enter into binding agreements except to the extent expressly authorized;
- e. Delegate specific tasks to other counsel or committees of counsel, as authorized by the Court, in a manner to ensure that pretrial preparation is conducted efficiently and effectively;
- f. Enter into stipulations with opposing counsel (after such consultation with other members of the PSC and/or other co-counsel as may be appropriate) as necessary for the conduct of the litigation;
- g. Prepare and distribute periodic status reports to the parties;
- h. Maintain adequate time and disbursement records covering services as lead counsel;
- i. Monitor the activities of co-counsel to ensure that schedules are met and

- unnecessary expenditures of time and funds are avoided;
- j. Perform such other duties as may be incidental to proper coordination of the PSC's pretrial activities or authorized by further order of the Court; and
  - k. Appoint additional committees, as necessary, including but not limited to expert, discovery, trial, and settlement committees.
3. **Liaison Counsel** – the Court hereby designates **Bruce D. Greenberg** of Lite DePalma Greenberg to serve as Liaison Counsel. Mr. Greenberg shall work in conjunction with Mr. Cecchi in coordinating the overall prosecution and presentation of Plaintiffs' case and, in addition, Mr. Greenberg shall:
- a. Serve as intermediary between Plaintiffs' counsel and the Court;
  - b. Prepare agendas for court conferences and periodically report regarding the status of the case;
  - c. Maintain and distribute to co-counsel an up-to-date service list;
  - d. Receive and, as appropriate, distribute to co-counsel orders from the Court and documents from opposing parties and counsel;
  - e. Establish and maintain a document depository;
  - f. Maintain and make available to co-counsel at reasonable hours a complete file of all documents served by or upon each party except such documents as may be available at a document depository; and
  - g. Carry out other such duties as the Court may order.

4. **Initial Scheduling Order Deadlines** – in accordance with this Court’s Initial Scheduling Order (ECF No. 72)

- a. Plaintiffs shall file a consolidated amended complaint on or before Friday, May 20, 2016, and
- b. the parties shall jointly submit a proposed protective order for the Court’s consideration **on or before Tuesday, April 19, 2016.**

5. **Compensation** – the Court will make the final determination as to the compensation and reimbursement of Plaintiffs’ counsel. Any plaintiff’s counsel who may seek an award of fees or expenses by the Court in connection with this MDL shall keep a daily record of his/her time spent and expenses incurred, including a specific record of the hours, locations and particular activities. The failure to maintain such records and/or provide a sufficient description of the activity will be grounds for denying applications for attorneys’ fees. Time and expense submissions should be submitted timely, on a quarterly basis, to Plaintiffs’ lead counsel for compilation. Nothing contained in this paragraph shall be construed to limit the rights of any party or counsel to oppose the award of attorneys’ fees. The Court will provide further details in a subsequent Order.

6. **Attorney Client Privilege** – this Court recognizes that cooperation by and among Plaintiffs’ counsel and by and among Defendants’ counsel is essential for the orderly and expeditious conduct of this litigation. The communication of information among and between Plaintiffs’ counsel and among and between Defendant’s counsel shall not be deemed a waiver of attorney client privilege or the protection afforded attorney’s work

product, and cooperative efforts contemplated above shall not in any way be used against Plaintiffs by any Defendant or against Defendant by any Plaintiff. Nothing contained in this paragraph shall be construed to limit the rights of any party or counsel to assert the attorney-client or joint defense privilege or the attorney work-product doctrine.

**IT IS SO ORDERED.**

DATED: April 5<sup>th</sup>, 2016



JOSE L. LINARES  
UNITED STATES DISTRICT JUDGE